

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**CHERI MICHELLE EDENS, and others**  
**similarly situated,**

**Plaintiff,**

Civil Action No: 2:22-cv-00101

**v.**

Hon. Thomas E. Johnston

**CEBRIDGE ACQUISITION, LLC,  
CEQUEL III COMMUNICATIONS I, LLC,  
CEQUEL III COMMUNICATIONS II, LLC,  
& ALTICE USA,**

**Defendants.**

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**AFFIDAVIT OF NICOLE AVERILL IN SUPPORT OF DEFENDANTS' MOTION TO  
COMPEL ARBITRATION AND TO STAY LITIGATION**

State of New York     )  
                                  ) ss.  
County of Queens     )

PERSONALLY APPEARED BEFORE THE UNDERSIGNED AUTHORITY, NICOLE AVERILL, who after first having been duly sworn, does hereby depose and state under oath the following based on her own personal knowledge:

1. I submit this affidavit in support of Defendants' Motion to Compel Arbitration and to Stay Litigation. The statements made in this affidavit are based on my personal knowledge, review of records kept in the ordinary course of business, and/or information brought to my attention by individuals upon whom I regularly rely. If called as a witness, I could and would testify to their truth.

2. I am employed by Altice USA, Inc. ("Altice USA") as Vice President, Marketing. In that position, I am familiar with the communications sent to Suddenlink and Optimum

customers, including communications regarding recent updates to the Suddenlink and Optimum contract terms.<sup>1</sup>

3. From my responsibilities, I am also familiar with Altice USA's and Suddenlink's corporate records related to communications with their customers, which were created or maintained by Altice USA or Suddenlink in the regular course of business.

#### **Notices to Suddenlink Customers**

4. Suddenlink updated its Residential Services Agreement effective July 20, 2022.

5. In June 2022, Altice USA and Suddenlink began informing accountholders nationwide about the new terms applying to their service, including by email, direct mail, and SMS text message. Altice USA and Suddenlink can identify which medium was used to communicate the update to any specific customer based on that customer's name and account number.

6. According to Altice USA's and Suddenlink's records, on or about June 14, 2022, Plaintiff Cheri Edens was sent an email to the email address she provided notifying her of the update to Suddenlink's contract terms.

7. The subject line of the email message stated "Notice of changes to our Terms of Service." The body of the email stated:

#### **An update to our Terms of Service**

We're updating the Binding Arbitration provision of our Residential Services Agreement, effective July 20, 2022. You can access and read the updated arbitration provision at [www.suddenlink.com/residential-services-agreement](http://www.suddenlink.com/residential-services-agreement).

Thanks for being a loyal Suddenlink customer.

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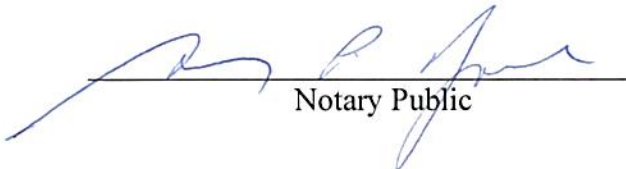
<sup>1</sup> As of August 1, 2022, the services previously provided by defendants under the Suddenlink brand are now provided under the Optimum brand. I continue to use the term "Suddenlink" for ease of reference.

8. Attached as **Exhibit A** is a true and correct copy of the email message received by Ms. Edens and other Suddenlink customers who were informed of the update by email.

FURTHER THE AFFIANT SAYETH NAUGHT.

  
Nicole Averill

SUBSCRIBED AND SWORN to  
before me this 30 day of  
November, 2023.

  
Notary Public

Amy P. Pfail  
Notary Public State of New York  
Reg. No. 01PF0003279  
Qualified in Nassau County  
Commission Expires April 23, 2027

# **EXHIBIT A**



Important information.

[View online](#)

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Thanks for being a loyal Suddenlink customer.

**Need help?**  
**Get answers 24/7.**



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This email was sent to you because it contains important information about your account or service. As a result, you cannot unsubscribe from this type of communication.

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[Customer Privacy Policy](#)